

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ROBERT N. DURSO, SUZANNE FAST, :
CATHIE COKE, AND DOUGLAS :
WALKER, individually and on behalf of :
all other persons similarly situated, :

Plaintiffs, :

v. :

SAMSUNG ELECTRONICS AMERICA, :
INC., :
Defendant. :

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 2:12-cv-05352 (DMC) (JBC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon Motion by Samsung Electronics America, Inc. (“Defendant” or “Samsung”) to Dismiss the Amended Complaint of Robert N. Durso, Suzanne Fast, Cathie Coke, and Douglas Walker (collectively “Plaintiffs”), pursuant to FED. R. CIV. P. 12(b)(6) and FED. R. CIV. P 9(B) and to Strike Plaintiffs’ Class Allegations. (Defs.’ Mot. to Dismiss, Jan. 29, 2013, ECF No. 22). Upon careful consideration of the submissions of the parties, and based upon the Court’s Opinion filed this day;

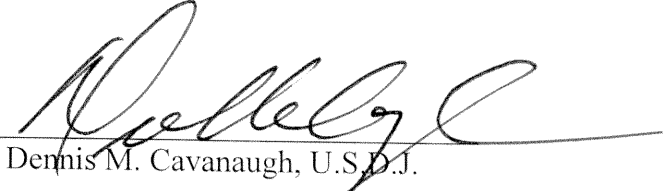
IT IS on this 4 day of November, 2013;

ORDERED that Defendant’s Motion to Dismiss is **granted in part** and **denied in part**.

ORDERED that Defendant’s Motion to Strike Plaintiffs’ Class Allegations is **denied**.

ORDERED that Counts One, Two, Three, Four and Five of Plaintiffs’ Amended Class Action Complaint are **dismissed without prejudice**.

ORDERED that Plaintiffs may amend their complaint within thirty (30) days from the issuance of this Order.



Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: Hon. James B. Clark, U.S.M.J.
All Counsel of Record
File